

Draft PERMIT

Permit No: 200904078-SB

Municipality: Town of Westbrook

Work Area: Menunketesuck River off property located at 54 Menunketesuck Road

Permittee: Nathan Lee
54 Menunketesuck Road
Westbrook, CT 06498

Pursuant to sections 22a-359 through 22a-363f and 22a-28 through 22a-35 of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to remove derelict pilings and install a walkway, ramp, floating dock and associated pilings for private recreational boating access as is more specifically described below in the SCOPE OF AUTHORIZATION, in the Menunketesuck River off property identified as the "work area" above.

*******NOTICE TO PERMITTEE AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application no. 200904078-SB, including eight (8) sheets of plans dated April 29, 2009 and revised April 8, 2010 submitted by the Permittee to the Commissioner and attached hereto:

1. Cut the derelict pilings along the southern end of the property off at the surface of the marsh substrate, remove the remnants from the marsh and dispose of them at an upland site; and
2. construct a 3' wide by 208' long elevated boardwalk with open grate decking with stringers 4' above the marsh substrate, and install a 3' wide by 22' long ramp and a 5' wide by 20' long floating dock with cable float stops and associated restraint piles.

SPECIAL TERMS AND CONDITIONS

1. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
2. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
3. The Permittee shall, no later than 90 days after the issuance of this permit or prior to the installation of the structures authorized pursuant to paragraph 2. of the SCOPE OF AUTHORIZATION, above, whichever is sooner, remove the derelict pilings from the river and cut the derelict pilings flush with the surface of the marsh substrate as authorized pursuant to paragraph 1., of the SCOPE OF AUTHORIZATION, above, and shall submit photographs documenting such removal to the Commissioner no later than 30 days after such removal.
4. The walkway authorized herein shall be installed by hand using hand held equipment except as may be modified in writing by the Commissioner.
5. The walkway surface shall be composed of open grate decking. Such decking shall be maintained in optimal operating condition for the life of the walkway.
6. The Permittee shall ensure that any barge utilized in the execution of the work authorized herein shall access the work site only during periods of high water in the area of the proposed dock. Any such barge must move to deeper waters during periods of low water in the area of the proposed dock, but shall not interfere with navigation in the river or be berthed in an area of submerged aquatic vegetation.
7. The Permittee shall install cable float stops or another structure to assure that the entire float surface is held a minimum of 18" off of the substrate. Such structure shall be maintained in optimal operating condition for the life of the structure.
8. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
9. The Permittee shall remove the ramp and float authorized herein no later than November 15 of any calendar year and shall not install such ramp and float before April 15 of any calendar year. Upon removal of the ramp and float authorized herein, the Permittee shall store such structures at an upland location, landward of the high tide line and outside of tidal wetlands.
10. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the

Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums, and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") except as required pursuant to paragraph 3 of the SPECIAL TERMS AND CONDITIONS, above, in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit/certificate, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
7. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.

8. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

9. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
10. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
11. This permit may be revoked, suspended, or modified in accordance with applicable law.
12. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as the Commissioner authorizes a transfer.
13. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the

Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.

15. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittees shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates that may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
17. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
18. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
19. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
20. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2010

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Betsey Wingfield
Bureau Chief
Bureau of Water Protection & Land Reuse

Permit No. 200904078-SB
Nathan Lee, Permittee

sb

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Nathan Lee
54 Menunketesuck Road
Westbrook, CT 06498

Permit No: 200904078-SB, 54 Menunketesuck Road, Westbrook, CT

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

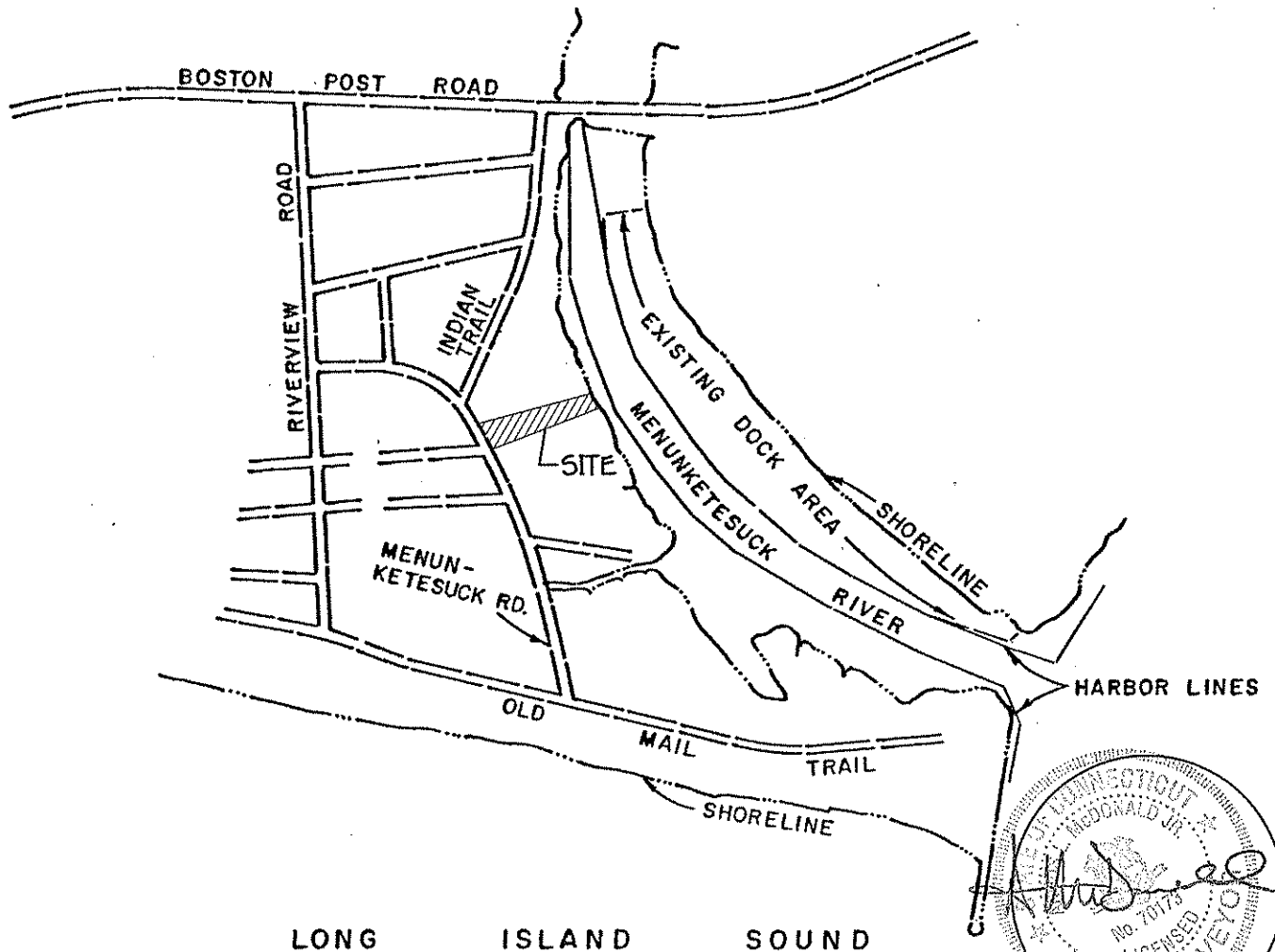
Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

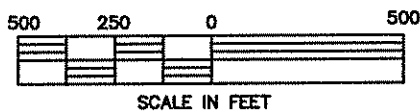
EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)

N



NOTE:
SHORELINE FEATURES SHOWN HEREON TAKEN FROM
STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL
PROTECTION AERIAL PHOTOGRAPHY DATED: APRIL, 1990.



ANGUS L. McDONALD JR.
CONN. L.S. #70173

AREA PLAN
PREPARED FOR
NATHAN LEE

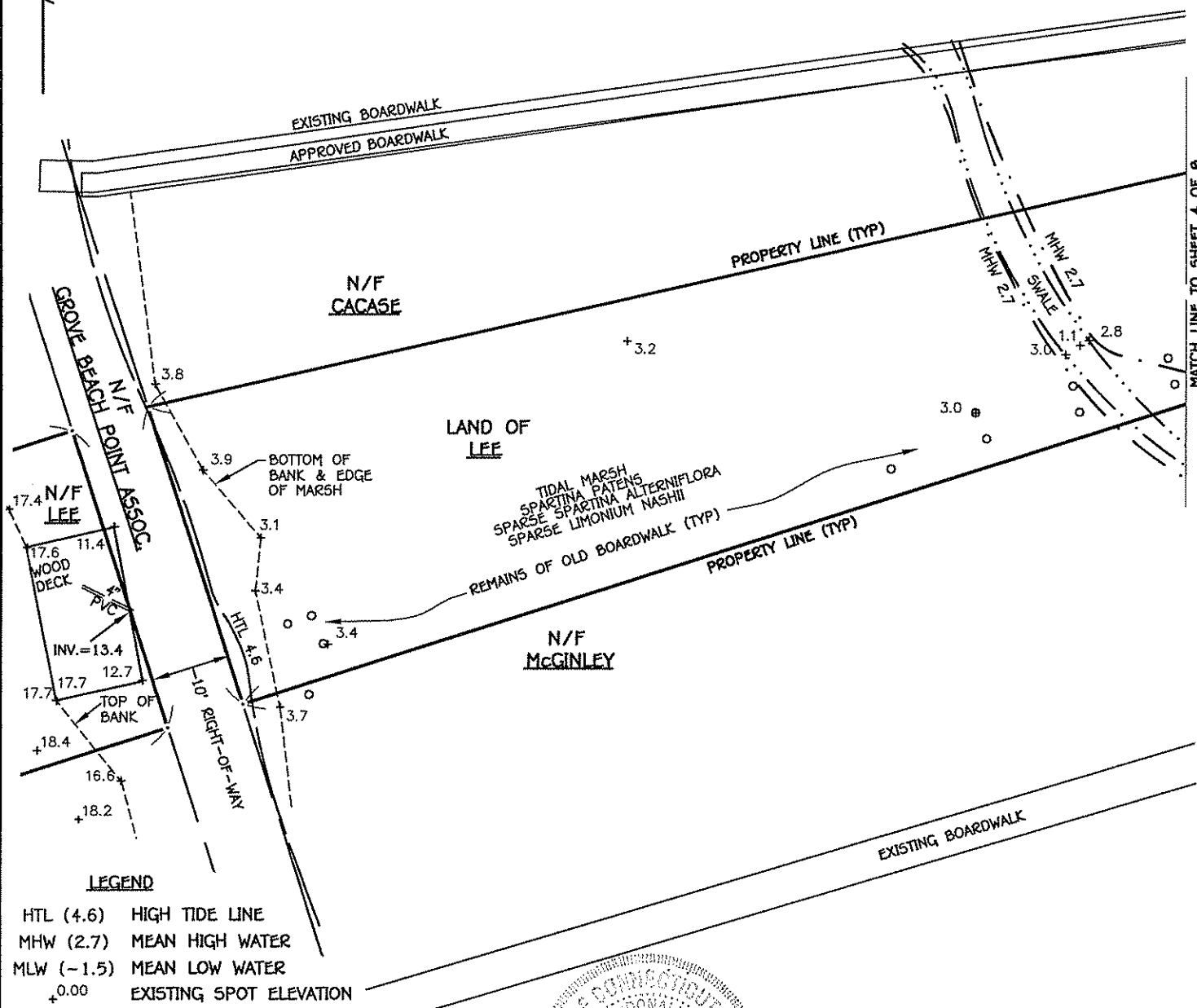
54 MENUNKETESUCK ROAD
WESTBROOK, CONNECTICUT
DATED: APRIL 29, 2009

ANGUS McDONALD / GARY SHARPE
& ASSOCIATES, INC.

CIVIL ENGINEERS • PLANNERS • SURVEYORS
OLD SAYBROOK, CONNECTICUT

DR'N TRN	CK'D	APP'D
SHEET 2 OF 8		JOB NO. 085534

N



LEGEND

HTL (4.6) HIGH TIDE LINE
 MHW (2.7) MEAN HIGH WATER
 MLW (-1.5) MEAN LOW WATER
 0.00 EXISTING SPOT ELEVATION

NOTE:
 ALL ELEVATIONS REFERENCED TO N.G.V.D.
 MEAN SEA LEVEL DATUM.



**ANGUS McDONALD / GARY SHARPE
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 OLD SAYBROOK, CONNECTICUT

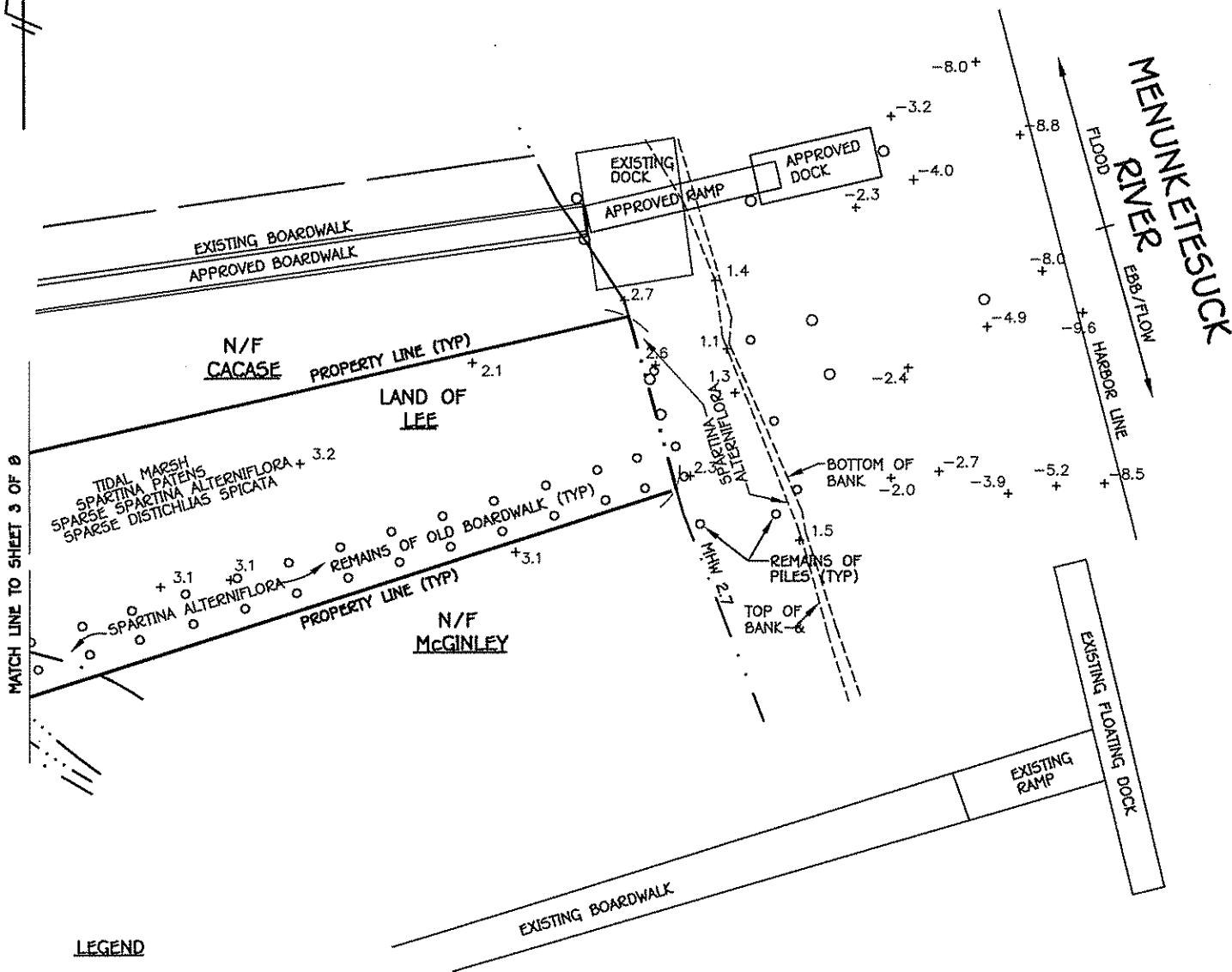
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 SHEET 3 OF 8 JOB NO. 085534

ANGUS L. McDONALD JR.
 CONN. L.S. #70173
 THIS SURVEY CONFORMS TO
 THE STANDARDS & ACCURACY
 OF CLASS A-2, T-2

**PLAN VIEW
 SHOWING EXISTING CONDITIONS
 PREPARED FOR
 NATHAN LEE**

54 MENUNKETESUCK ROAD
 WESTBROOK, CONNECTICUT
 DATED: APRIL 29, 2009

N



LEGEND

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DR'N TRN

CK'D

APP'D

SHEET 4 OF 8

JOB NO. 085534

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 CONN. L.S. #70173

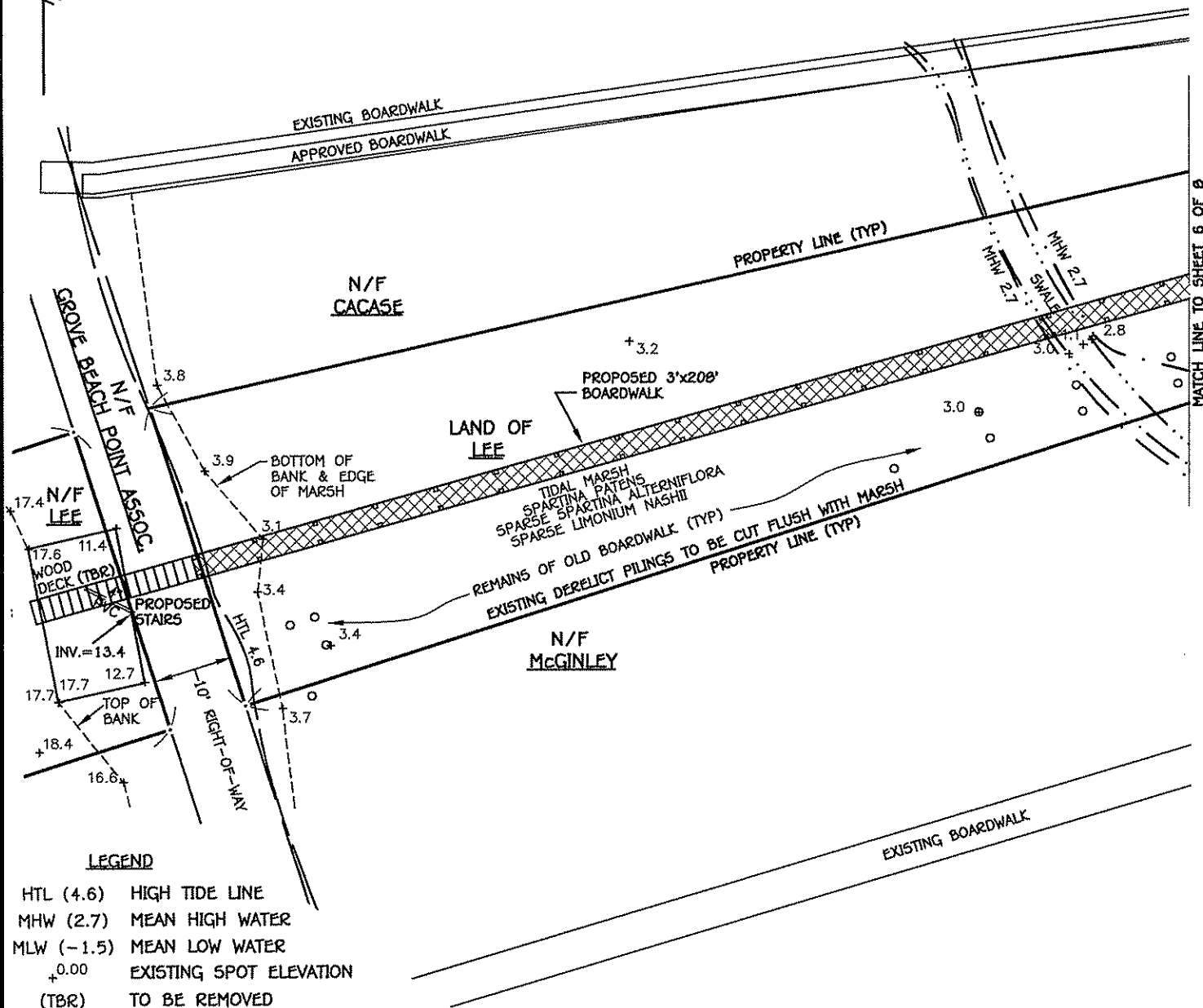
THIS SURVEY CONFORMS TO
 THE STANDARDS & ACCURACY
 OF CLASS A-2, T-2

PLAN VIEW
 SHOWING EXISTING CONDITIONS
 PREPARED FOR
 NATHAN LEE

54 MENUNKETESUCK ROAD
 WESTBROOK, CONNECTICUT

DATED: APRIL 29, 2009

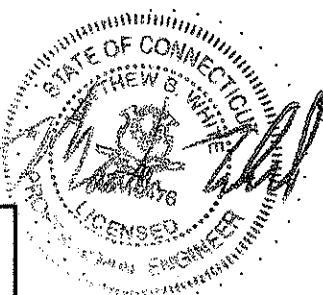
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OLD SAYBROOK, CONNECTICUT

DR'N TRN CK'D APP'D
SHEET 5 OF 8 JOB NO. 085534

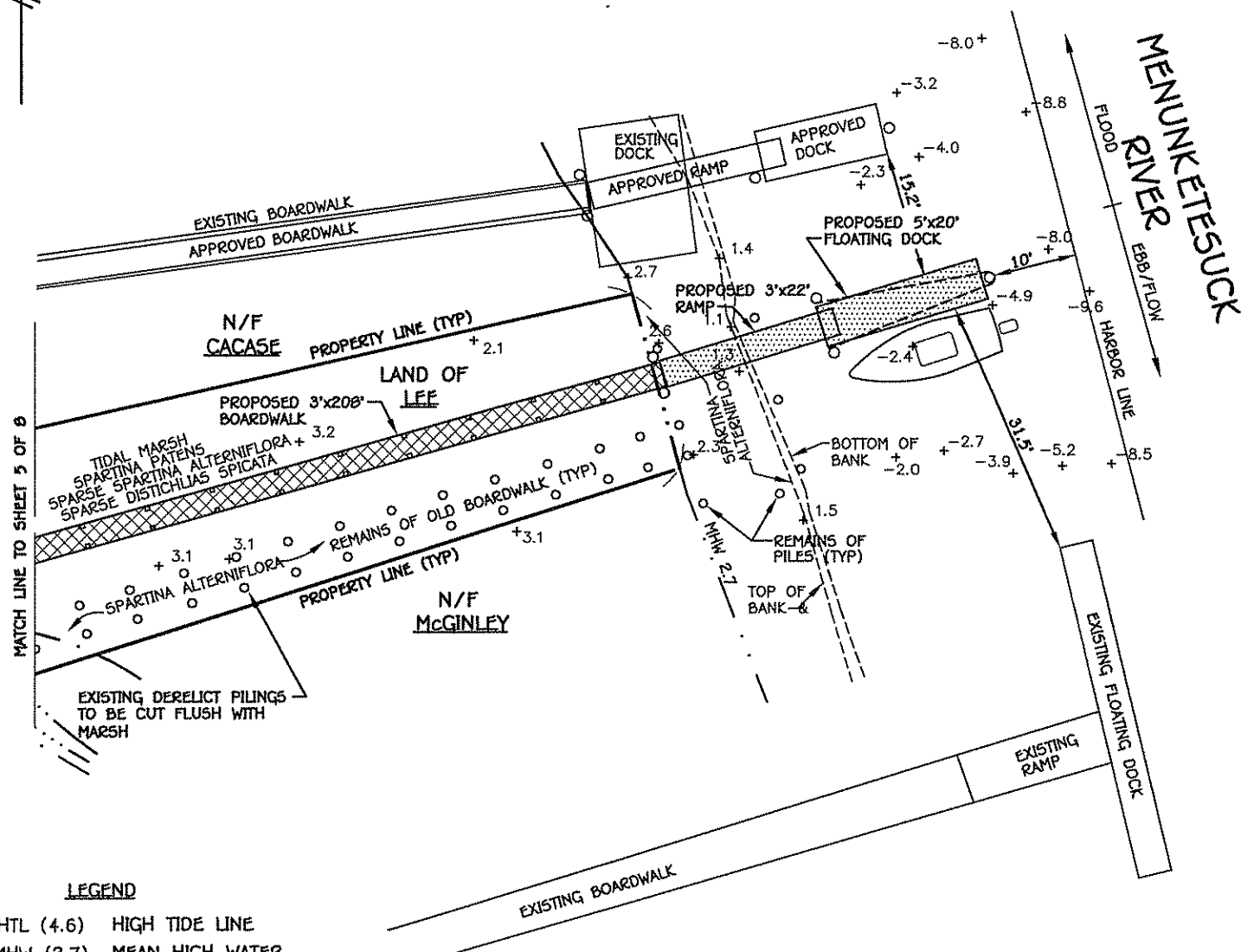


MATTHEW B. WHITE
CONN. P.E. #19476

PLAN VIEW
SHOWING PROPOSED CONDITIONS
PREPARED FOR
NATHAN LEE
54 MENUNKETESUCK ROAD
WESTBROOK, CONNECTICUT
DATED: APRIL 29, 2009

REVISIONS: APRIL 8, 2010

N



LEGEND

HTL (4.6) HIGH TIDE LINE
 MHW (2.7) MEAN HIGH WATER
 MLW (-1.5) MEAN LOW WATER
 +0.00 EXISTING SPOT ELEVATION

NOTE:

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ANGUS McDONALD / GARY SHARPE
 & ASSOCIATES, INC.

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 OLD SAYBROOK, CONNECTICUT

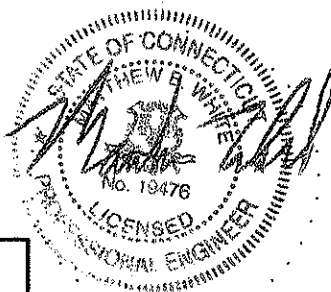
DR'N TRN

CK'D

APP'D

SHEET 6 OF 8

JOB NO. 085534



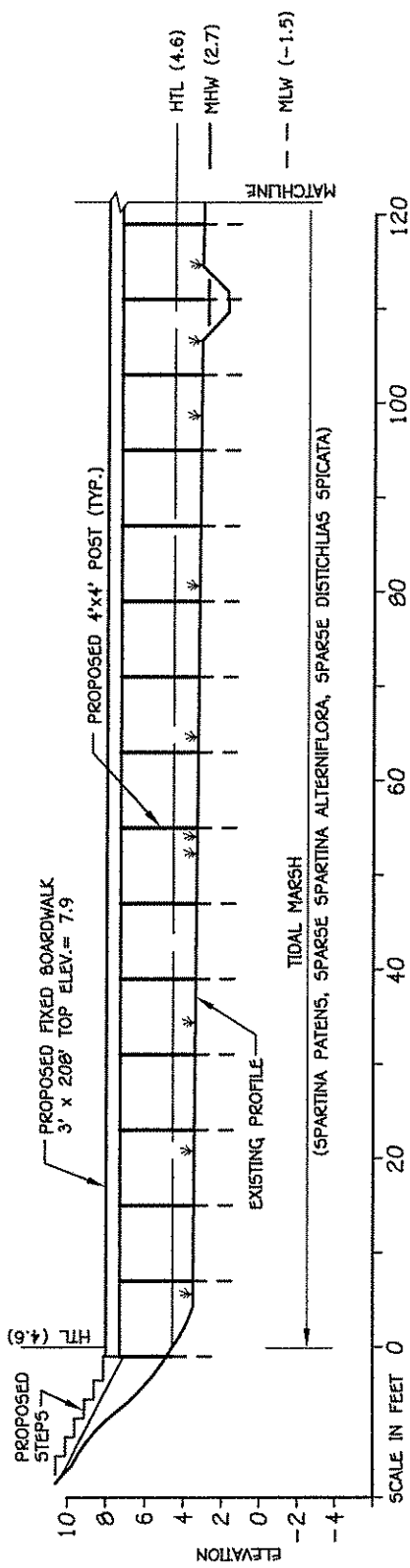
MATTHEW B. WHITE
 CONN. P.E. #19476

PLAN VIEW
 SHOWING PROPOSED CONDITIONS
 PREPARED FOR
NATHAN LEE

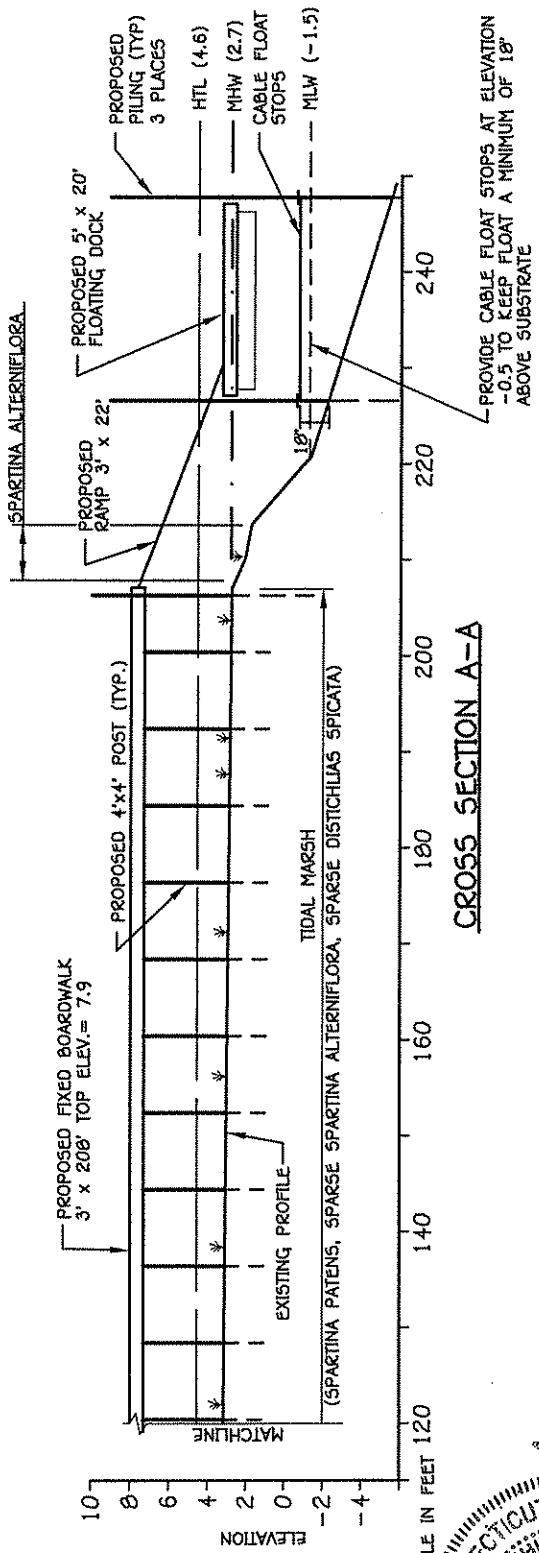
54 MENUNKETESUCK ROAD
 WESTBROOK, CONNECTICUT

DATED: APRIL 29, 2009

REVISIONS: APRIL 8, 2010



CROSS SECTION A-A



LEGEND

- HTL (4.6) HIGH TIDE LINE
- MHW (2.7) MEAN HIGH WATER
- MLW (-1.5) MEAN LOW WATER
- +0.00 EXISTING SPOT ELEVATION

PROFILE VIEW
SHOWING PROPOSED CONDITIONS

PREPARED FOR

NATHAN LEE

54 MENUNKETESUCK ROAD
WESTBROOK, CONNECTICUT

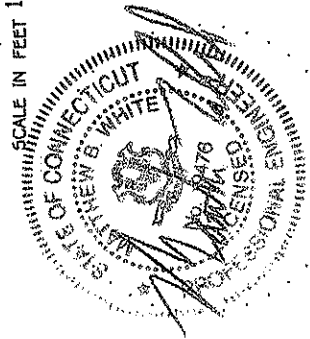
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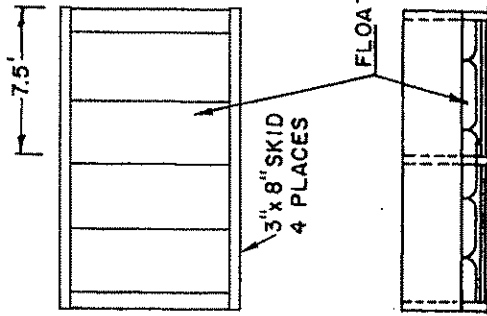
REVISIONS: APRIL 8, 2010

ANGUS McDONALD / GARY SHARPE & ASSOCIATES, INC.	
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DRN TRN	CK'D
SHEET 7 OF 8	JOB NO. 085534

MATTHEW B. WHITE
CONN. P.E. #19476

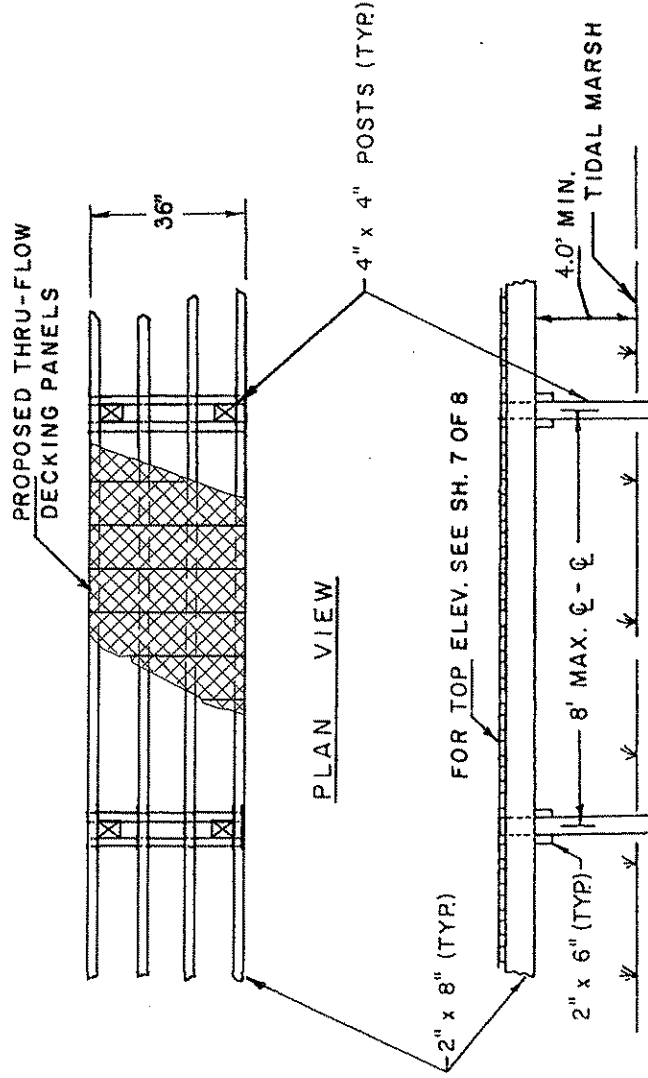
NOTE:
ALL ELEVATIONS REFERENCED TO N.G.V.D.
MEAN SEA LEVEL DATUM.





BOTTOM
VIEW

SIDE VIEW

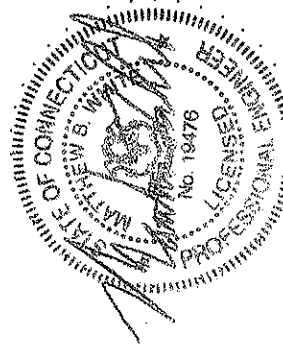


ELEVATION VIEW

PROPOSED
BOARDWALK DETAIL

NOTES:
ALL STEEL FASTENINGS AND
HARDWARE TO BE GALVANIZED.

N.T.S.



MATTHEW B. WHITE
CONN. P.E. #19476

DETAIL PLAN
PREPARED FOR
NATHAN LEE

54 MENUNKETESUCK ROAD
WESTBROOK, CONNECTICUT
DATED: APRIL 29, 2009

REVISIONS: APRIL 8, 2010

ANGUS McDONALD / GARY SHARPE
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DRN TRN CK'D APP'D
SHEET 8 OF 8 JOB NO. 085534

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MEAN SEA LEVEL DATUM.

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